



**CERTIFICATE OF MAILING UNDER 37 CFR § 1.8**

I hereby certify that this paper and documents and/or fees referred to herein as transmitted, submitted or enclosed are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313-1450 on the date indicated below.

Name: Kenneth J. Davis Signature: [Signature] Date April 25, 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Vaughen :  
Serial No.: 10/749,345 : Attorney Docket No.:  
Filed: December 30, 2003 : 060960-5009  
For: RESORBABLE SURGICAL FIXATION : Group Art Unit: 3733  
DEVICE : Examiner: Cumberledge, Jerry L.

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This Response to the Restriction Requirement responds to the Restriction Requirement mailed on March 27, 2007, in the above-captioned application. This response is being timely filed within the one month shortened statutory period for reply.

Responsive to the Restriction Requirement, Applicant hereby elects to prosecute the claims of Group I, claims 1-45 and 52-63, drawn to a device. This election is made without traverse and without prejudice to the inclusion of the same or different subject matter of the non-elected claims in any later filed divisional or continuation application.

Applicant further elects Species A: Fig. 2 and identifies the following claims readable thereon: 1-8, 13-25, 30-33, 35-45 and 52-63. This election is made without traverse and without

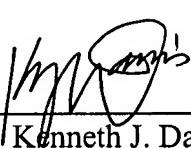
prejudice to the inclusion of the same or different subject matter of the non-elected claims in any later filed divisional or continuation application.

The Applicant asserts that all of the claims identified above as readable on Species A: Fig. 2 are generic in that each identified claim reads on the elected species and at least one other identified species. Upon the allowance of a generic claim Applicant will expect consideration of the non-elected species.

Respectfully submitted,

April 25, 2007

By:



Kenneth J. Davis  
Registration No. 50,688  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
215.963.5392

Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Tel: 215.963.5000  
Fax: 215.963.5001  
[www.morganlewis.com](http://www.morganlewis.com)

**Morgan Lewis**  
COUNSELORS AT LAW



**Kenneth J. Davis**  
215-963-5392  
[kjDavis@morganlewis.com](mailto:kjDavis@morganlewis.com)

April 25, 2007

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/749,345 for  
RESORBABLE SURGICAL FIXATION DEVICE  
Our File No.: 060960-5009 US

Dear Sir:

Enclosed for filing in connection with the above-referenced application are the following:

1. Response to Restriction Requirement (2 pages total); and
2. Self-addressed post card.

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Name Kenneth J. Davis Signature  Date: April 25, 2007

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**Morgan Lewis**  
COUNSELORS AT LAW

Kindly acknowledge receipt of these documents by returning the enclosed self-addressed, stamped postcard to the undersigned.

Respectfully submitted,



Kenneth J. Davis  
Registration No. 50,688  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
215.963.5392